

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: Ordinance O-13-08

Introduced By: City Council

Date Introduced: January 7, 2013

First Reading: January 7, 2013

Second Reading: January 14, 2013

Amendments Passed:

Date Passed: January 14, 2013

Date Effective: February 15, 2013

AN ORDINANCE concerning

CITY OF SEAT PLEASANT PURCHASING REQUIREMENTS

FOR the purpose of amending the Code of the City of Seat Pleasant, Chapter 39 "Purchasing," Article I "Competitive Bidding" to clarify or revise certain purchasing and competitive bidding provisions; providing that the title to this Ordinance constitutes a fair summary of this Ordinance; and otherwise generally relating to the amendments contemplated by this Ordinance.

BY amending
Code of the City of Seat Pleasant
Chapter 39 "Purchasing"
Article I "Competitive Bidding"
§§39-1 "General provisions", 39-2 "Procedure," 39-3 "Exemptions," and 39-4 "Rejection of bids; awarding of contracts"

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Code of the City of Seat Pleasant, Chapter 39 "Purchasing," Article I "Competitive Bidding," §39-1 "General provisions" is hereby amended to read as follows:

§39-1. General provisions.

EXCEPT AS OTHERWISE PROVIDED IN THE CHARTER OF THE CITY OF SEAT PLEASANT, ALL ((All)) purchases of supplies, materials, equipment ((or the)) construction of ((public)) improvements, ((or contractual)) services AND CITY-RELATED EXPENSES where the City Administrator knows or believes that the value of said supplies, MATERIALS, EQUIPMENT, CONSTRUCTION OF improvements, services, etc., is or will be more than \$7,500 shall be purchased through a process of competitive bidding as hereinafter established.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Code of the City of Seat Pleasant, Chapter 39 "Purchasing," Article I "Competitive Bidding," §39-2 "Procedure" is hereby amended to read as follows:

§39-2. Procedure.

When competitive bidding is required, the City Administrator shall cause an advertisement for bids to be made in at least one local weekly newspaper for at least one weekly issue. Said advertisement shall include a brief description of the SUPPLIES, MATERIALS, EQUIPMENT, ((item, items,)) CONSTRUCTION OF improvementS, ((construction or)) serviceS OR CITY-RELATED EXPENSES for which bids are requested and shall include all applicable specifications or give notice where such specifications may be examined and reviewed. The City Administrator may, at his/her discretion, furnish copies of said specifications at a cost to be determined by him/HER.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Code of the City of Seat Pleasant, Chapter 39 "Purchasing," Article I "Competitive Bidding," §39-3 "Exemptions" is hereby amended to read as follows:

§39-3. Exemptions.

- A. NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THE CHARTER OF THE CITY, Upon the approval of a majority of the whole Council, the City Administrator may purchase or contract for any SUPPLIES, MATERIALS, EQUIPMENT, ((item,)) CONSTRUCTION OF improvementS, ((construction or)) serviceS OR CITY-RELATED EXPENSES without the necessity of competitive bidding when, in the opinion of the Council, the delay in obtaining said SUPPLIES, MATERIALS, EQUIPMENT, ((item,)) CONSTRUCTION OF improvementS, ((construction or)) serviceS OR CITY-RELATED EXPENSES caused by the necessity of advertising for bids will be detrimental to the welfare and/or health of the community or its citizens ((or sojourned herein)). ANY SUCH DETERMINATION OF THE COUNCIL CONTEMPLATED BY THIS SUBSECTION A. MAY BE MADE BY MOTION OR RESOLUTION.
- B. NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THE CHARTER OF THE CITY, The City Administrator may purchase OR PROVIDE FOR any SUPPLIES, MATERIALS, EQUIPMENT, ((items or goods)) CONSTRUCTION OF IMPROVEMENTS, SERVICES OR CITY-RELATED EXPENSES without bidding when, in the judgment of the Council, such ((items or goods)) SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF IMPROVEMENTS, SERVICES OR CITY-RELATED EXPENSES are only available from a single source. ANY SUCH DETERMINATION OF THE COUNCIL CONTEMPLATED BY THIS SUBSECTION B. MAY BE MADE BY MOTION OR RESOLUTION.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Code of the City of Seat Pleasant, Chapter 39 "Purchasing," Article I "Competitive Bidding," §39-3 "Rejection of bids; awarding of contracts" is hereby amended to read as follows:

§39-4. Rejection of bids; awarding of contracts.

The ((City Administrator)) COUNCIL shall have the right to reject any and/or all bids received in response to any advertisement for bids when, in ((his/her)) ITS opinion, the bidder cannot supply the quality or quantity of goods, meet times of delivery or completion or adequately service the items to be purchased, whether because of inadequate equipment or distance of source of supply or service, or when, in ((his/her)) ITS opinion, said rejected bidder is not sufficiently responsible by virtue of financial reasons or lack of ability OR PERSONNEL OR THE CITY HAS DETERMINED NOT TO PROCEED WITH THE PURCHASE OR SERVICES THAT WERE INITIALLY SUBJECT TO SUCH BIDDING. The ((Mayor and City)) Council shall award all such purchases ((and contracts)) to the lowest responsive unrejected bidder BY MOTION OR RESOLUTION AND, AS CONTEMPLATED BY THE CHARTER OF THE CITY, THE COUNCIL BY RESOLUTION MAY APPROVE OR AUTHORIZE ONE OR MORE APPROPRIATE OFFICIALS TO APPROVE THE WRITTEN CONTRACT WITH THE SUCCESSFUL BIDDER.

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

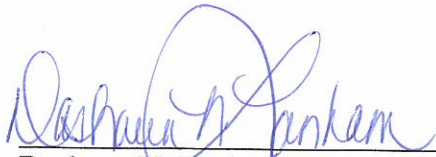
SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the passage of this Ordinance and cause the same or, to the extent permitted by the Charter of the City of Seat Pleasant, a fair summary of the same to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty calendar days following approval by the Mayor or passage by the Council over the Mayor's veto.

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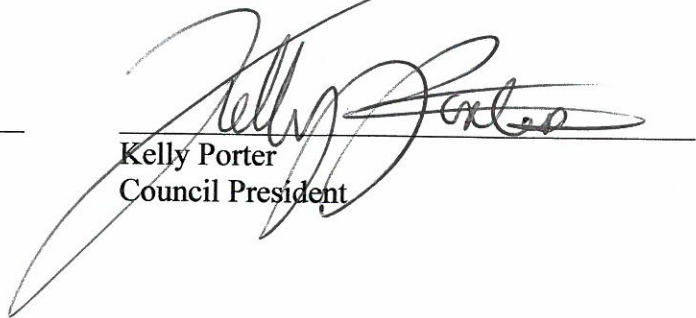
READ AND PASSED THIS 14th DAY OF January, 2013.

ATTEST:

COUNCIL OF THE CITY OF
SEAT PLEASANT



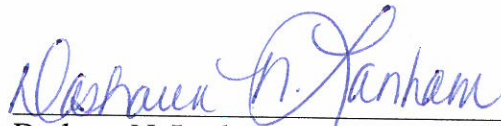
Dashaun N. Lanham
City Clerk



Kelly Porter
Council President

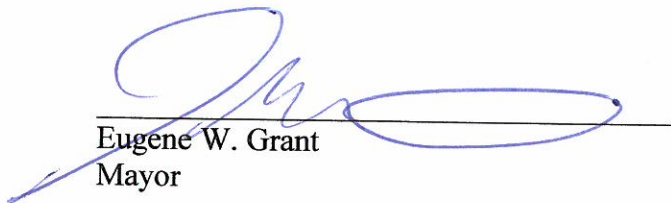
APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter of the City of Seat Pleasant this 25th day of January, 2013.



Dashaun N. Lanham
City Clerk

In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby **APPROVE/DISAPPROVE** this Ordinance this 25th day of January, 2013.



Eugene W. Grant
Mayor

KEY:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parentheses)) indicate matter deleted from existing law.

Underlining indicates matter added to the Ordinance by amendment.

~~Strike-through~~ indicates matter stricken from the Ordinance by amendment.

#151552;52038.010